IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1702 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

THE ASSISTANT COLLECOTER CUSTOMS

Versus

RAMBHAI NATHABHAI

Appearance:

MR MUKESH R.SHAH for Petitioner

MR SH SANJANWALA for Respondent Nos.1-4.

MR KP RAVAL,APP., for Respondent No. 5

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 30/06/2000

ORAL JUDGEMENT

The Assistant Collector of Customs (Preventive) Jamnagar has filed this petition under Article 227 of the

Constitution challenging the order dated 16.10.1993 passed by the learned Chief Judicial Magistrate, Jamnagar below Exhibit 1 in Criminal Misc. Application No.1908 of 1993 permitting the Advocate for respondent nos. 1 to 4 to remain present on certain conditions when they were interrogated by the custom authorities. On 17.10.1993, rule was issued and ad-interim relief was granted by this Court. In view of the interim relief granted by this Court the respondent nos. 1 to 4 must have been interrogated by the custom authorities without the presence of the Advocate. In the circumstances, it is not necessary to go into the propriety and legality of the order passed by the learned Magistrate. The petition is therefore disposed of without making any observation on the merits of the case. Rule is discharged.

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m.m.bhatt